

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LP MATTHEWS, L.L.C.,)	
)	
Plaintiff,)	
)	
v.)	
)	C.A. No. 04-1507 (SLR)
BATH & BODY WORKS, INC.; LIMITED)	
BRANDS, INC.; KAO BRANDS CO.)	PUBLIC VERSION
(f/k/a THE ANDREW JERGENS)	
COMPANY); and KAO CORPORATION,)	
)	
Defendants.)	

**DECLARATION IN SUPPORT OF KBC'S MOTIONS FOR
SUMMARY JUDGMENT OF (1) NON-INFRINGEMENT AND
(2) INVALIDITY BASED UPON LACK OF WRITTEN DESCRIPTION**

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Dated: June 29, 2006
Public Version Dated: July 7, 2006

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FOR THE DISTRICT OF DELAWARE

LP MATTHEWS, L.L.C.,

Plaintiff,

v.

BATH & BODY WORKS, INC.; LIMITED
BRANDS, INC.; KAO BRANDS CO.
(f/k/a THE ANDREW JERGENS
COMPANY); and KAO CORPORATION,

Defendants.

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) C.A. No. 04-1507 (SLR)
)
)
) PUBLIC
) VERSION
)
)
)

DECLARATION IN SUPPORT OF KBC'S MOTIONS FOR SUMMARY
JUDGEMENT OF (1) NON-INFRINGEMENT AND (2) INVALIDITY BASED
UPON LACK OF WRITTEN DESCRIPTION

David Story declares and states

1. I currently hold the position of Research Principal, Kao Brands Co.
("KBC").
2. I have been employed by KBC and its predecessor The Andrew Jergens
Company since 1988.
3. I am familiar with the KBC products Curél Ultra Healing Daily Moisture
Therapy Lotion and the now discontinued Curél Extreme Care body lotion, body cleanser
and facial wash and have been so since their introduction.
4. Attached hereto as exhibits 1-4 are

REDACTED

5. Attached hereto as exhibits 5-6 are photographs of the containers for
Curél Ultra Healing Daily Moisture Therapy Lotion and Curél Extreme Care body lotion.

I declare under the penalty of perjury that the foregoing is believed to be true and correct

June 26 2006

David C Story
David Story

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on July 7, 2006, the attached document was hand-delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF:

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I hereby certify that on July 7, 2006, I have Electronically Mailed the documents to the following non-registered participants:

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